

Resource recovery orders and exemptions

What is the purpose of these requirements?

If you intend to apply waste to land (for example, as a soil amendment or 'fill'), reuse it as a fuel, or use it in connection with a process of thermal treatment (for example, use sawdust in brick manufacture), you may need to hold an environment protection licence or pay the waste levy.

However, in some circumstances, the EPA has the power to grant you an exemption from some of these requirements if you can demonstrate that a waste can be safely and effectively used for another purpose. Your use of the waste must be genuine, fit-for-purpose, and cause no harm to the environment or human health.

The EPA grants you this permission, subject to strict conditions, under the Protection of the Environment Operations (Waste) Regulation 2014 (2014 Waste Regulation).

Resource recovery orders: for generators and processors of the waste material

Resource recovery orders include conditions which generators and processors of waste must meet to supply the waste material for the purposes described above. These conditions may include material specifications, processing specifications, record-keeping, reporting and other requirements. All resource recovery orders are made under clause 93 of the 2014 Waste Regulation.

Resource recovery exemptions: for consumers of the waste material

Resource recovery exemptions contain the conditions which consumers must meet to use waste for the purposes described above. These conditions may include requirements on how to re-use or apply the waste, as well as record-keeping, reporting and other requirements. All resource recovery exemptions are made under clauses 91 and 92 of the 2014 Waste Regulation.

An improved format for greater clarity

The current system of resource recovery orders and exemptions commenced in November 2014 under new provisions of the 2014 Waste Regulation. They replaced the former 'resource recovery exemption system'. The current, two-document format provides greater transparency and clarity by separating the requirements that apply to waste

About the EPA

The NSW Environment Protection Authority (EPA) manages environmental issues, responds to pollution incidents, and enforces environmental regulations. We also issue environment protection licences.

material suppliers from those that apply to consumers. The new format also allows the EPA to more closely tailor our provisions for sampling, testing and plant requirements.

Using resource recovery orders and exemptions

What orders and exemptions are already in force?

Orders and exemptions already in force are published on the EPA website. If you fully comply by meeting all their conditions, you can use them without further EPA approval.

A full list is available at: www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm

What if no suitable exemption or order is available now?

If a resource recovery order or exemption is not currently available for your intended use of a waste material, you can apply to the EPA for an order and exemption specific to your operations. Your application must address all the necessary criteria using the format provided in our guidelines.

Resource recovery orders and exemptions

More information, including guidelines on how to apply:
www.epa.nsw.gov.au/wasteregulation/apply-exemption.htm

Before you begin your application

Before applying we strongly recommend you contact the EPA to discuss your proposal with us. Contact the Environment Line on 131 555. We also advise you to consult with other consent authorities (for example, planning consent authorities) before you submit your application.

Will I still need to apply for development consents?

Resource recovery orders and exemptions do not release you from the relevant planning consent requirements. If you wish to use an order or exemption, it is your responsibility to seek any necessary development consents from the appropriate regulatory authority.

What are the record keeping requirements?

You must keep the records required by a resource recovery order or exemption for six years. This requirement also applies to the records you needed to keep under the previous (that is, before November 2014) resource recovery exemption mechanism.

More information

Environment Line:

Phone: 131 555 or **email:** info@environment.nsw.gov.au
www.epa.nsw.gov.au/wastechanges

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Phone: 131 555 (environment information and publications requests)

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au; Web: www.epa.nsw.gov.au

Report pollution and environmental incidents: Environment Line: 131 555 (NSW only)